

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Timothy Peter Ray,

Petitioner,

v.

United States of America,

Respondent.

No. CV-23-00578-PHX-DWL  
CR-19-00119-PHX-DWL

**ORDER**

Pending before the Court are Petitioner's Motion Under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence (Doc. 1) and the Report and Recommendation ("R&R") of the United States Magistrate Judge (Doc. 6). The R&R, which was issued on September 14, 2023, recommended that the § 2255 motion be dismissed with prejudice and further provided that "[t]he parties shall have fourteen days from the date of service of a copy of this recommendation within which to file specific written objections with the Court." (Doc. 6 at 8.)

Here, no such objections have been filed. Thus, the Court accepts the Magistrate Judge's recommendation. *See, e.g., Thomas v. Arn*, 474 U.S. 140, 149-50 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."); *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003) ("[N]o review is required of a magistrate judge's report and recommendation unless objections are filed."). *See also United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)

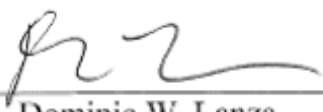
1 (“[T]he district judge must review the magistrate judge’s findings and recommendations  
2 de novo *if objection is made*, but not otherwise.”).

3 Accordingly,

4 **IT IS ORDERED** that the R&R’s recommended disposition (Doc. 6) is accepted,  
5 that the Petition (Doc. 1) is dismissed with prejudice, and that the Clerk of Court shall enter  
6 judgment accordingly.

7 **IT IS FURTHER ORDERED** that a certificate of appealability and leave to  
8 proceed in forma pauperis on appeal be **DENIED** because dismissal is justified by a plain  
9 procedural bar and jurists of reason would not find the procedural ruling debatable.

10 Dated this 4th day of October, 2023.

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15 Dominic W. Lanza  
16 United States District Judge  
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